

APPEAL NO. 031196
FILED JULY 2, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 14, 2003. The hearing officer resolved the disputed issue by deciding that the compensable injury of _____, does extend to and include the respondent's (claimant) cervical spine, thoracic spine, and lumbar spine, and to the claimant's anxiety and depression. The appellant (carrier) appealed, arguing that the determination is against the great weight and preponderance of the evidence. The claimant responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____. The sole issue before the hearing officer was whether the claimant's compensable injury extends to and includes the cervical, thoracic, and lumbar spine, anxiety and depression. The Appeals Panel observed in Texas Workers' Compensation Commission Appeal No. 961449, decided September 9, 1996, that the fact that there may be more than one cause of the claimant's psychological condition does not preclude a finding of compensability, provided that there is a causal connection between the compensable injury and the claimant's psychological problems. Compare Texas Workers' Compensation Commission Appeal No. 950749, decided June 21, 1995, (protracted dispute resolution process does not make resultant stress part of the compensable injury). The causal connection here is met by the fact that the injury resulted in chronic pain and loss of function. The hearing officer found that the medical evidence established a causal connection between the compensable injury and the claimant's depression and anxiety. The hearing officer noted that in a medical record dated January 31, 2002, a doctor treating the claimant for his depression and anxiety stated that he was treating the claimant for reactive depression and anxiety stemming directly from his injury and his resulting pain and loss of physical functioning. The hearing officer was also persuaded that the evidence established a causal connection between the compensable injury and the claimant's injuries to his cervical spine, thoracic spine, and lumbar spine.

Extent of injury is question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. There was conflicting evidence on the issue. Section 410.165(a) provided that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and determine what fact had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the challenged

determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse the hearing officer's decision on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Veronica Lopez-Ruberto
Appeals Judge